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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,665	07/11/2001	Takahiro Okamoto	Q65317	7834

7590 12/28/2004

SUGHRUE, MION, ZINN,
MACPEAK & SEAS,, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

VUONG, JASON DUY ANH

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/901,665

Applicant(s)

OKAMOTO, TAKAHIRO

Examiner

Jason D. A. Vuong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7-11-2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7-11-2001</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1 and 2** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,023,351 to Newman.

Regarding **Claims 1 and 2**, Newman discloses a color conversion method for converting color coordinates in a first color space (RGB, or CMY) depending on an input device into color coordinates in a second color space independent of devices by using different color patches. The conversion is done by first using a scanner (see Figure 1 Element 25) to scan color patches (refer to Column 4 Lines 33-35); conventional scanners commonly output RGB color signals. These RGB colors signals serve as the color coordinates in the first color space, and these device dependent color coordinates (RGB, or CMY) are then converted to CIE L*a*b* color coordinates which are device independent (refer to Column 6 Lines 60-67). The color patches are associated with all vertexes of a rectangular parallelepiped (see Figures 3A and 3B). The rectangular parallelepiped is defined by a base coloring amount of coordinate (0, 0, 0) comprising

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combinations of minimum coloring amounts of monochromes of Cyan, Magenta, and Yellow (see Figures 3A and 3B); it also includes a maximum coloring amount of coordinate (255, 255, 255), and combinations of maximum coloring amounts of monochromes of Cyan, Magenta, and Yellow. Newman, however, does not have a color patch that is associated with an intermediate point located between two vertexes on a straight line coupling the two vertexes with one another. Instead, he stores the coordinates of these intermediate points (see Figure 3B Element 61) including the vertexes in memory (refer to Column 5 Lines 55-57) without actually printing the color patch. Nevertheless, those skilled in the art will recognize that instead of storing the coordinates of these intermediate points and the vertexes in memory, one can easily instruct the printer to print a color patch according to the color values of these vertexes and the intermediate points stored in memory. The motivation to do so is to have an actual reading of the color patch, and it can improve accuracy; it's more accurate because the characteristics of the printer may change due to operating and environmental conditions (such as low toner, and low or high humidity).

Conclusion

Any inquiry concerning this communication or earlier communications should be directed to Jason Vuong at 703-306-4157. The examiner can normally be reached on Monday-Friday from 8:00 A.M. to 5:00 P.M.

